

REMARKS/ARGUMENTS

In the Office Action of August 25, 2009, claims 1 and 3-13 are rejected. However, Applicant hereby requests reconsideration of the application in view of the below-provided remarks.

Claim Rejections under 35 U.S.C. 103

Claims 1, 3, 5 and 9-13 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Stolan (U.S. Pat. No. 5,864,663) in view of Juzswik (U.S. Pat. No. 4,698,478). Claims 4 and 6-8 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Stolan in view of Juzswik and further in view of Ubicom (Ubicom Product Report –IP2022 Internet Processor, hereinafter “Ubicom”). However, Applicant respectfully submits that the pending claims are patentable over Stolan, Juzswik and Ubicom for the reasons provided below.

Independent Claim 1

Applicant respectfully submits that the teachings of Stolan in view of Juzswik are not sufficient to render claim 1 *prima facie* obvious. In particular, Applicant respectfully asserts that claim 1 is not obvious over Stolan in view of Juzswik because the proposed modification of Stolan in view of Juzswik would change the principle of operation of Stolan and would also render the invention of Stolan unsatisfactory for its intended purpose. If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959) (see MPEP §2143.01 (VI)). If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984) (see MPEP §2143.01(V)).

The Office Action on page 4 admits that “Stolan does not explicitly disclose the steps of supplying a permanent energy supply from a battery unit to the monitoring

module; and switching a microcontroller supply unit of the base chip to enable or disable a temporary energy supply from the battery unit to the microcontroller unit.” However, the Office Action then alleges that “Juzswik discloses using this technique [col. 2, line 32 – col. 3, line 4] for the purpose of reducing power consumption in a system having a microprocessor and a watchdog timer.”

Stolan discloses a system that includes a microprocessor (12) and a watchdog timer circuit (10). (See Figs. 1 and 2, and column 4, lines 43-65 of Stolan). Stolan further discloses that the watchdog timer circuit (10) includes a counter (18) and that the microprocessor (12) is programmed to check a most significant bit (MSB) status of the counter (18) every millisecond. (See column 4, line 58 of Stolan). Additionally, Stolan discloses that if the MSB is found not to be logic high, the microprocessor (12) sends a count up signal to the counter (18) and exits the counter checking program and that if the MSB is found to be logic high, the microprocessor (12) sends a count down signal to the counter (18) and exits the counter checking program. (See Fig. 3 and column 5, lines 31-45 of Stolan). That is, the principle of operation of Stolan involves the microprocessor (12) checking the watchdog timer circuit (10) every millisecond and the intended purpose of Stolan includes that the watchdog timer circuit (10) is checked every millisecond by the microprocessor (12).

Juzswik teaches a system for controlling body electrical requirements of an automotive vehicle and monitoring various essential switch conditions to ascertain the level of activity. (See column 2, lines 31-35 of Juzswik). Juzswik further teaches that after the system enters the "sleep" mode, the system will wake up briefly some 600 or 700 milliseconds later and repower the control system sufficiently to again check the essential inputs and return to another sleep mode if no activity has occurred. (See column 3, lines 13-18 of Juzswik). That is, Juzswik teaches that the system for monitoring the essential switch conditions sleeps and then wakes up after 600 or 700 milliseconds.

Thus, if the system of Stolan is modified using the technique of entering and exiting the “sleep” mode, as taught by Juzswik, the proposed modification of Stolan in view of Juzswik would result in that the microprocessor (12) checks the MSB status of the counter (18) in the watchdog timer circuit (10) after 600 or 700 milliseconds of sleep. As a result, the proposed modification of Stolan in view of Juzswik would prevent the

microprocessor (12) from checking the MSB status of the counter (18) in the watchdog timer circuit (10) every millisecond. Therefore, Applicant respectfully submits that the proposed modification of Stolan in view of Juzswik would change the principle of operation of Stolan.

Additionally, Applicant respectfully submits that the modification of Stolan in view of Juzswik will make it impossible that the watchdog timer circuit (10) is checked every millisecond by the microprocessor (12). Therefore, Applicant respectfully submits that the proposed modification of Stolan in view of Juzswik would also render Stolan unsatisfactory for its intended purpose of continuously monitoring the operation of the microprocessor (12). Accordingly, Applicant respectfully submits that the teachings of Stolan in view of Juzswik are not sufficient to render claim 5 prima facie obvious.

Dependent Claims 3, 4, 10 and 11

Claims 3, 4, 10 and 11 depend from and incorporate all of the limitations of the independent claim 1. Thus, Applicant respectfully asserts that claims 3, 4, 10 and 11 are allowable at least based on an allowable claim 1.

Independent Claim 5

Claim 5 includes similar limitations to claim 1. Because of the similarities between claim 5 and claim 1, Applicant respectfully asserts that the above remarks with regard to claim 1 apply also to claim 5. Accordingly, Applicant respectfully submits that the teachings of Stolan in view of Juzswik are not sufficient to render claim 5 prima facie obvious.

Dependent Claims 6-9, 12 and 13

Claims 6-9, 12 and 13 depend from and incorporate all of the limitations of the independent claim 5. Thus, Applicant respectfully asserts that claims 6-9, 12 and 13 are allowable at least based on an allowable claim 5.

Double Patenting Rejection

Claims 1 and 3-13 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claims 1 and 3-9 of copending Application No. 10/517,471 in view of Stolan, Juzswik and Ubicom. Applicant notes herein that the alleged double patenting rejections will be addressed at a later time, assuming that these rejections are still applicable.

CONCLUSION

Applicant respectfully requests reconsideration of the claims in view of the remarks made herein. A notice of allowance is earnestly solicited.

Respectfully submitted,

Matthias Muth

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By: /thomas h. ham/

Thomas H. Ham

Reg. No. 43,654

Wilson & Ham

PMB: 348

2530 Berryessa Road

San Jose, CA 95132

Phone: (925) 249-1300

Fax: (925) 249-0111